

[ORAL ARGUMENT SCHEDULED FOR DECEMBER 15, 2025]

IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

NATIONAL TREASURY EMPLOYEES UNION,

Plaintiff-Appellee,

v.

DONALD J. TRUMP, in his official capacity as
President of the United States, et al.,

Defendants-Appellants.

No. 25-5157

**MOTION FOR A STAY OF BRIEFING SCHEDULE
IN LIGHT OF LAPSE OF APPROPRIATIONS**

The federal government appellants hereby move for a stay of the briefing schedule—in particular, the government’s reply brief due on October 30, 2025—in the above-captioned case.

1. At the end of the day on September 30, 2025, the appropriations act that had been funding the Department of Justice expired and appropriations to the Department lapsed. The same is true for several other Executive agencies. The Department does not know when funding will be restored by Congress.

2. Absent an appropriation, Department of Justice attorneys and employees of the federal appellants are prohibited from working, even on a voluntary basis, except in very limited circumstances, including “emergencies

involving the safety of human life or the protection of property.” 31 U.S.C. § 1342.

3. Undersigned counsel for the Department of Justice therefore requests a stay of the briefing schedule until Congress has restored appropriations to the Department. In particular, the Department requests an extension for the government’s reply brief, which is currently due on October 30, 2025. The government notes that oral argument in this case will not be held until December 15, 2025.

4. The Government respectfully requests that, when appropriations are restored, all current deadlines for the parties be extended for the number of days commensurate with the duration of the lapse in appropriations, plus an additional 14 days. Thus, for example, if the lapse lasts 14 days, all parties’ deadlines would be extended by $14 + 14 = 28$ days. The Government will need this additional time following the end of the lapse to restart regular government operations and finalize the brief for filing.

5. In addition, granting an extension calculated in the manner proposed above will avoid having all briefs that would otherwise have been due during the period of a lapse of appropriations from having the same due date following the restoration of appropriations, which would not be practicable for the Government

or the Court. It also preserves the original chronological order of filing in government cases for fairness to all parties.

6. In the alternative, the government requests that the Court grant an extension until as late as reasonably possible for the Court to proceed with argument as scheduled on December 15, 2025.

7. Counsel for plaintiff has stated that plaintiff opposes this motion.

Therefore, although we greatly regret any disruption caused to the Court and the other litigants, the Government hereby moves for a stay of the briefing schedule in this case, as described above, until Department of Justice attorneys are permitted to resume their usual civil litigation functions.

Respectfully submitted,

s/ Joshua M. Koppel
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OCTOBER 2025

CERTIFICATE OF COMPLIANCE

I hereby certify that this motion complies with the type-volume limitation of Fed. R. App. P. 27(d)(2)(A) because it contains 426 words, according to the count of Microsoft Word.

s/ Joshua M. Koppel

JOSHUA M. KOPPEL